

Notice of Allowability

Application No.

10/672,548

Examiner

Thomas K. Pham

Applicant(s)

SCOTT ET AL.

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to original application filed 09/26/2003.
2. ☒ The allowed claim(s) is/are 1-68.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 21 – please change the current claim dependency (claim 22) to depend on claim 20.

Claim 42 – please change the current claim dependency (claim 42) to depend on claim 41.

Reasons for Allowance

2. Claims 1-68 are allowed.
3. The following is an examiner's statement of reasons for allowance:

While Eisenberg et al. (U.S. Patent No. 5,553,237) discloses a safety critical monitoring for a microprocessor controlled embedded system has application specific program logic including a define set of safety critical rules for the application system corresponding to criteria for safety critical operations to be performed by the central processing unit. The microprocessor is linked to a stored in memory set of critical rules for verifying that the safety critical operations performed in accordance with the application specific program logic meet the criteria set by the safety critical rules. Eisenberg et al. does not teach storing configuration data related to both process control system and to the safety system in a common configuration database; and providing a common user interface application that performs configuration activities for both the process control system and the safety system using the configuration data stored in the common

configuration database; and other limitations related to these features in combination with the remaining elements and features of the claimed invention.

And Sederlund et al. (U.S. Patent No. 6,647,301) discloses a process control system with integrated safety control system receiving input signals from a control apparatus and using input signals in determining at least one output signal modifying the characteristics at least one output signal modifying the characteristics of at least one respective control device where the source code for the general control of the apparatus and the source code for the safety shutdown system of the apparatus are compiled to control code in a unified compilation. Sederlund et al. does not teach storing configuration data related to both process control system and to the safety system in a common configuration database; and providing a common user interface application that performs configuration activities for both the process control system and the safety system using the configuration data stored in the common configuration database; and other limitations related to these features in combination with the remaining elements and features of the claimed invention.

The prior art of record fails to teach or fairly suggest to one of ordinary skill in the art at the time of the invention, in conjunction with all the other claimed limitations, a system and method for use in a process control system that performs manufacturing related control functions with respect to the process plant and a safety system that perform safety related control functions with respect to the process plant having all the claimed features of applicant's instant invention, specifically including: storing configuration data related to both process control system and to the safety system in a common configuration database; and providing a common user interface application that performs configuration activities for both the process control system and the

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safety system using the configuration data stored in the common configuration database, etc., as set forth in the claims.

Also, there is no motivation to combine the Eisenberg et al. reference with the Sederlund et al. reference to meet these limitations. It is for these reasons that applicant's invention defines over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday to Friday from 7:30 AM - 4:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham

Primary Examiner

A handwritten signature in black ink, appearing to read 'Thy Pham', with a stylized, cursive script.

September 4, 2007